

REMARKS

This Request for Reconsideration is offered in response to the Office Action of January 25, 2002.

In the Office Action, claims 1-5 and 11 were rejected under 35 USC 103 (a) as being obvious over Cetrelli (U.S. Patent No. 4,284,228) in view of the allegedly admitted prior art. Claim 1 of the present application recites a method for providing vent apertures to the web component of a plastic bag. By providing these vent apertures, air entrapped in a package is allowed to evacuate.

Contrary to the present application, the Cetrelli reference would in no way solve nor suggest solving the problem of evacuating air entrapped in a package. The package of the Cetrelli reference clearly does not intend to solve this problem since the package container is intended for liquids such as milk. (See Abstract) If the ducts (7) did vent air entrapped in the package, as indicated by the Office Action, the package would certainly leak no matter where the ducts were located. (See Figure 2) In fact, the package of the cited reference does not include a passage from the product compartment of the package but instead creates ducts which vent between overlapped layers placed with the ducts acting in an intermediate step in the forming of the final product. The ducts serve to remove moisture from the edge area (12) as it is being sealed; otherwise the moisture in the edge areas would deform the material strip of the package. (See Col. 4 lines 21-35) Since the package is sealed to contain a liquid, the ducts would need to vent out of the sealing area but the part of the duct covered by the edge area would be sealed. This sealed part of the edge area would purposely not allow venting of entrapped air in the final product; otherwise the liquid contained in the package would follow the venting of the air. As

such, the final product of the Cetrelli reference and the final product of claims 1 and 11 of the present application are similar only in that they are packages.

Additionally, the Cetrelli reference teaches the placement of the ducts extending outside the package, not the extension of ducts toward the interior of the package. The ducts or depressions (7) extend substantially at a right angle from the cut edge (13) ... to the outside of the packing container (See col. 3, lines 52-64 and Figure 2). As such, the ducts would not extend into the package. Also, it would be detrimental if the ducts did extend into the package during edge sealing since any vapor produced might contain adhesive or other chemicals which would contaminate the interior of the package. This is evident since the purpose of the Cetrelli reference is to eliminate sterilizing agents. (Col. 4, lines 16-21) As such, the reference teaches away from the ventilating of the interior of the package with ducts or the apertures described in claim 1 of the present application.

As a result of teaching away from ventilating entrapped air in the package, it would not be obvious to one skilled in the art to combine the Cetrelli reference with the prior art cited by the Office Action. Claims 2-5 and 11, which depend on claim 1, also would not be obvious in view of the cited references.

In view of the above, it is respectfully submitted that the claims as herein are patentably distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", is written over a horizontal line.

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